

ENTERED

August 07, 2017

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOE HAND PROMOTIONS, INC.,	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	CIVIL ACTION H-16-2993
	§	
16506 FM 526, INC., ET. AL.,	§	
<i>Defendants.</i>	§	

MEMORANDUM AND RECOMMENDATION


On June 13, 2017 default was entered against Lenese Smith a/k/a Joy L. Wright (Dkt. 29). This matter is now before the court on plaintiff's motion for default judgment against Smith/Wright (Dkt. 30). Smith/Wright did not file a timely response.

Plaintiff has shown that it is an aggrieved party under the Federal Communications Act, 47 U.S.C. §§ 553, 605. It has presented evidence that on November 21, 2015 defendant's establishment displayed without authorization the Miguel Cotto v. Canelo Alvarez pay-per-view event. The event was shown on multiple televisions to an audience of approximately 148 persons, each of whom paid a cover charge of \$40.00. The commercial sublicense fee for an establishment seating 150 patrons was \$4,200 for this event.

Based on the evidence of record, the court recommends that default judgment be entered in favor of Joe Hand Productions, Inc. against Lenese Smith a/k/a Joy L. Wright, jointly and severally with the other defendants against whom judgment was previously entered (Dkt. 26), in the amount of \$10,000 for statutory damages under 47 U.S.C. § 605(e)(3)(C)(i) and (ii); \$2,000.00 for attorneys' fees; post-judgment interest at the effective rate on date of entry of judgment; and costs of \$1,198.38.

The parties have 14 days from service of this Memorandum and Recommendation to file written objections. Failure to file timely objections will preclude appellate review of factual findings or legal conclusions, except for plain error. *See* FED. R. CIV. P. 72.

Signed at Houston, Texas on August 7, 2017.



Stephen Wm Smith
United States Magistrate Judge